

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEO DURDEN,

**Plaintiff,**

V.

## GEICO ADVANTAGE INSURANCE COMPANY.

Defendant.

C17-651 TSZ

## MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant's Motion for Relief from Deadline and Motion to File Amended Answer, docket no. 41, is GRANTED. Plaintiff has failed to demonstrate that he suffered prejudice or that GEICO acted in bad faith. *See Hayden v. Mut. Of Enumclaw Ins. Co.*, 1 P.3d 1167, 1171 (Wash. 2000). Plaintiff has been on notice since at least December 1, 2015, that GEICO contended that "several witnesses to the accident" indicated plaintiff "was racing another vehicle" and was at fault for the accident. See Holsman Declaration, docket no. 12, Exhibit 8. GEICO may amend its Amended Answer electronically in the form of Exhibit B to the O'Neil Declaration, docket no. 42, within seven (7) days of the date of this Minute Order to set forth the affirmative defense under the policy relating to racing.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 29th day of June, 2018.

William M. McCool

### Clerk

s/Karen Dews

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## Deputy Clerk